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Convention on the Rights of the Child

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Committee on the Rights of the Child
Seventy-first session

Summary record of the 2067th (Chamber B) meeting
Held at the Palais des Nations, Geneva, on Thursday, 14 January 2016, at 3 p.m.

Chair: Mr. Mezmur

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties

Combined fourth and fifth periodic reports of Peru (CRC/C/PER/4-5)

1. *At the invitation of the Chair, the delegation of Peru took places at the Committee table.*

2. **Mr. Vásquez Ríos** (Peru) said that Peru was committed to promoting and protecting the rights of children, in accordance with the Convention on the Rights of the Child, the Optional Protocol to the Convention on the involvement of children in armed conflict and the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography. This commitment was clearly demonstrated by Peru's ratification of the Optional Protocol to the Convention on the Righs of the Child on a communications procedure on 21 October 2015. In addition, law number 30403 was recently approved by the Congress of the Republic, prohibiting corporal and humiliating punishment towards children. As detailed in the reports submitted to the Committee, Peru had carried out a wide range of activities and put in place numerous measures with the objective of implementing the provisions of the Convention and the optional protocols to which it is a party. Nonetheless, despite the significant progress made in the field of the rights of the child, there was still work to be done and Peru welcomed the opportunity to engage in a constructive dialogue with the Committee.

3. **Mr. Cardona Llorens** (Coordinator, Country Task Force) said that the Committee appreciated the significant progress made by the State party since the last meeting with the Committee, 10 years previously, including its ratification of the third Optional Protocol. In parallel with economic growth and the stabilization of the political situation, Peru had taken important steps to safeguard the rights of the child. With regard to legislation, he asked whether, following the recommendation of the Committee, the law had been revised so that a child could no longer be convicted of being a member of a gang. The Committee had also recommended that the law on begging be repealed: was the State party considering doing so? Thirdly, again on the topic of legislation, he requested that the delegation provide an update on the revision of the Code on Children and Adolescents, as the review process had been ongoing for five years.

4. Turning to the allocation of resources, spending on childhood had indeed increased, although not at the same rate as the overall budget. Given the midterm economic forecast, which predicted that economic growth would slow significantly, the Committee was concerned about the effects any cuts in the budget would have on social expenditure for children. There were certain key issues for which a results-based budget had not been introduced; was the State planning to do so in the future? It was necessary to improve the technical ability of local governments to implement and better manage the budget; what was being done in that respect? It was also important to introduce a mechanism to audit expenditure and to analyse its impact; what plans were there in that regard? It was of concern to the Committee that corruption had reportedly increased in Peru, with the potential effect that public resources could be diverted away from citizens. The Committee would like to know what was being done to fight corruption.

5. With regard to the oversight of private companies, the Committee would like to know what efforts were being made to monitor their conduct and the impact of their activities, in particular companies in the mining industry. Mining, especially illegal mining, was a concern given its environmental impact, its impact on child labour and the fact that sexual exploitation of children was known to take place in areas with high

concentrations of mining workers. How were the rights of the child being safeguarded and in that context? Would a diagnostic study be carried out with the aim of eradicating illegal mining? Was the voice of indigenous communities being taken into consideration, in particular in relation to hydroelectric projects?

6. Among indigenous and rural communities in Peru, there were many marriages that occurred at a young age. Were there any mechanisms and policies in place to put an end to that practice? While the Committee was pleased to hear of the anti-discrimination web page set up by the State party, it was concerned about the traditional discrimination experienced by girls in Peru and the stereotypical gender roles that prevailed in society. In addition to gender discrimination, indigenous children and LGBT children allegedly experienced other forms of discrimination. There had been reports of bullying of LGBT children and of suicides taking place. It was essential to evaluate the anti-discrimination programmes in place in order to determine whether or not they were effective.

7. The Committee recalled that no specific and mandatory procedure to determine the best interests of the child, in line with its general comment No. 14, had yet been set up. Further information on the State party's plans in that respect would be appreciated. The legal system in Peru still contained the death penalty, even though it had not been applied since 1979. Was there a plan to amend the legislation to abolish that penalty altogether? It was a matter of concern that the suicide rate among children had increased significantly in Peru; what measures was the Government taking to tackle that issue?

8. **Ms. Oviedo Fierro** (Country Task Force) said that children made up around 36 per cent of the population of Peru, totalling over 10 million. As Peru had become a middle-income country, it incurred more obligations in terms of guaranteeing human rights. On the subject of the institutions responsible for coordinating the implementation of the Convention, the Committee noted that the administrative status of the Directorate-General for Children and Adolescents had recently been raised. Nonetheless, concerns remained about the political weight of the Directorate-General and whether it was truly able to play the coordinating role it has been assigned at the level required. Had the State party considered raising the status of the Directorate-General to that of a Government ministry in order to improve visibility of the situation of children? Would the funding for the Directorate-General be increased to match the importance of its mandate? On the issue of Ombudsman's offices for children and adolescents, were there plans to expand the geographical coverage of the offices and to evaluate the services they provided? The institutional framework in place to provide support to victims of offences such as trafficking was weak and in need of reform. What measures would be taken to create a more comprehensive system of protection? The special unit for children and adolescents, set up within the Ombudsman's Office, had run into financial difficulties. It had previously been supported by international cooperation but that was no longer the case and the State had not stepped in to replace the lost funding, which had led to operational setbacks. What steps were planned to remedy that problem?

9. She wished to know what action was taken to guarantee the budget and follow-up of the National Plan of Action for Children and Adolescents, how that plan interplayed with local action plans for children and whether indicators would be developed and data collected in that respect. She expressed concern that the rights of the child were not specifically addressed in the National Plan for Education on Fundamental Rights and Duties. She was also concerned about reports that certain individuals involved in implementing the National Plan of Action for Children and Adolescents and defending children's rights faced intimidation and discrimination. The Advisory Council of Children and Adolescents was testimony to the real progress

achieved with regard to children's participation in public life but the introduction of a provision, within the framework of the revision of the Code on Children and Adolescents, giving parents the right to determine their children's participation in decisions that affected them would counteract such progress and she would appreciate comments in that regard. She asked why offices of the Advisory Council of Children and Adolescents had not been established in all municipalities and what role the Council played in relation to the Directorate-General for Children and Adolescents. She asked whether investigations had been conducted into reports of a number of injuries and deaths of young people caused by law enforcement officials during recent social protests, and whether the offenders had been prosecuted and sanctioned and the victims compensated. With regard to Internet use and social networking, she asked what measures had been adopted and whether parents and teachers were equipped to guarantee children's safety. She would like to know what steps were taken to address and prevent the dissemination by the mass media of negative images and stereotypes of young people as gang members who sowed fear in society. What action was being taken to ensure that the situation of children who were undocumented, most of whom lived in remote areas, was regularized, thus allowing them access to essential services?

10. **Ms. Parsi** (Country Task Force) asked what was being done to amend legislation to include domestic violence and forms of sexual violence as offences under the Criminal Code, in accordance with the 2012 concluding observations of the Committee against Torture (CAT/C/PER/CO/5-6). She expressed concern at the rate of illegal abortions and asked whether the Government envisaged decriminalizing abortion in cases of pregnancy resulting from rape or incest, how the national technical protocol on therapeutic abortion, introduced in 2014, was applied in practice and whether it took into account the mental health needs of pregnant girls. She wondered to what extent the prohibition on corporal punishment in schools had been given effect and how it was enforced given the very low budget that had been allocated for that purpose. She would like to know whether the authorities were aware of the reasons behind the increasing levels of bullying in schools and whether a strategy that included a direct reporting mechanism had been developed with a view to reducing violence in schools. While school staff should play a larger role in enforcing legislation against violence, she asked what input psychologists had in monitoring bullying and assisting victims. In addition, she asked what proportion of schools were included in the "Sise Ve" Internet platform of the Ministry of Education for combating violence in schools. Were there plans to create a single register of victims of domestic and sexual violence, to ensure that child victims of domestic violence could directly file complaints, to strengthen victim support and to guarantee protection at the national level? What steps were taken to ensure adequate budget allocation to provide protection for all child victims of violence? The primary reason for the separation of children from their families in the State party was sexual abuse and it was therefore crucial to step up the fight against it.

The meeting was suspended at 3.55 p.m. and resumed at 4.15 p.m.

11. **Mr. Vásquez Ríos** (Peru) said that the commission revising the Code on Children and Adolescents was composed of members of the legislative and executive branch, the judiciary, and intergovernmental and civil society organizations. The Code was in the final stages of revision and would be presented to Congress for consideration and adoption shortly. There had been a substantial increase in investment and resources earmarked for children's initiatives and programmes, in line with the overall growth of the State budget, and a series of measures would be adopted to combat corrupt use of those resources. The transparency and accessibility of the "Peru Compras" mechanism, which enabled citizens to verify for themselves the Government's expenditure allocations, would be strengthened. Various institutions

were responsible for monitoring and preventing corruption, including the Office of the Comptroller General (Contraloría General de la República) and the Public Prosecutor's Office, which had also recently increased the penalties handed down for offences related to corruption. All such actions had led to a growing public awareness of the need to stamp out corruption.

12. **Ms. Santiago Bailetti** (Peru) said that the framework National Plan of Action for Children and Adolescents set out specific policies and ensured resource allocation for programmes for children, including during periods of economic hardship. Furthermore, needs assessments were conducted to determine the budget to be allocated to the plan, and legislative provisions and budget management mechanisms were in place to guarantee the achievement of the 25 outcomes established within the plan. A mechanism had been designed in cooperation with UNICEF to evaluate State expenditure on all programmes oriented towards children and ascertain areas in need of further funding. The greatest part of expenditure currently went on health and education. A budget was also set aside for the Office of the Ombudsman for children. Offices of the Ombudsman for children were established in 91 per cent of districts and there were plans to extend coverage and improve them, thereby strengthening child protection nationwide. Under the Ministry of Education, several mechanisms, prevention strategies and campaigns had been developed to raise awareness of bullying in schools and to eliminate all forms of violence both among and towards pupils.

13. **Ms. Oviedo Fierro** asked whether children had themselves participated in the preparation of programmes to address violence directed against children. As violence in the State party was commonplace and deep-rooted, what measures were taken to change attitudes and bring about a cultural transformation?

14. **Mr. Vásquez Ríos** (Peru) said that the Ministry of Justice and Human Rights was responsible for guaranteeing the human rights of the country's citizens. Coordinating and monitoring implementation of the Convention fell to the specially-designed technical secretariat under the Directorate-General of Children and Adolescents. All citizens were entitled to freely defend the rights of children and appeal channels were available in cases where that freedom was denied. Public assemblies were permitted in the State party and the use of force by law enforcement officials was strictly regulated. Measures were in place to address the stigmatization and negative stereotyping of young people as gang members. However, the State ensured respect for freedom of expression and could not control all communication within social networks and the mass media, which was where those negative images were generated. The media was nevertheless provided with guidelines concerning the representation of vulnerable groups, such as children and ethnic minorities. The number of persons registered and provided with identity cards had increased, which had enhanced their access to essential services.

15. **Mr. Cardona Llorens** said that it was incumbent on the State to promote the rights of vulnerable groups and protect young people from stigmatization and negative stereotyping by the mass media. What governmental policies had been devised to prevent social networks and mass media agencies from discriminating against young people and fostering negative images? Given efforts to diminish stereotypes of children as gang members, could young people and children still be prosecuted for belonging to a gang under the national law?

16. **Ms. Ayoubi Idrissi** said she would like further information concerning the administrative obstacles faced by citizens who applied for identity documents or requested corrections to those documents.

17. **Ms. Santiago Bailetti** (Peru) said that the Government had strengthened the availability of child protection services across the country and had developed a national plan of action for children and adolescents, which extended until 2021. Significant resources had also been allocated for a wide range of local health and support services aimed at children and young persons and awareness-raising campaigns had been launched to inform the general public of children's rights under the Convention.

18. **Mr. Vásquez Ríos** (Peru) said that the National Radio and Television Council was responsible for developing national anti-discrimination policies and it had been monitoring the discriminatory portrayal of young persons as gang members in the media. As to the use of the death penalty, the Constitution provided for such punishment only for the offences of treason or terrorism and its provisions did not apply to minors. The death penalty had last been enforced in 1979. In regard to children working in the mining industry, the Government had introduced a national strategy to prevent and eradicate child labour in all sectors and had monitored the mining industry closely to ensure that the provisions of the strategy were fully implemented. The number of children working illegally in mines had consequently reduced significantly over recent years. Steps had also been adopted to prohibit corporal punishment in all settings and legislation prohibiting such behaviour would enter into force in the coming months.

19. **Ms. Santiago Bailetti** (Peru) said that the Government had developed a national programme against domestic and sexual violence and had launched a freephone hotline for child victims so that they could easily report cases of ill-treatment or abuse. A survey into domestic and sexual violence involving children had also been commissioned, which would help policymakers tailor the prevention and support services offered to victims more effectively.

20. **Mr. Cardona Llorens** asked what sanctions were applied to persons found guilty of using corporal punishment against children, particularly persons in positions of authority such as teachers.

21. **Ms. Oviedo Fierro** said that she would like additional information regarding the mandate of the National Radio and Television Council. She also wished to know what steps had been taken to investigate the death of a 16-year-old boy during a recent social protest. Lastly, she asked what procedures had been adopted under the National Programme against Domestic and Sexual Violence to guarantee the right of child victims to be heard and to prevent their re-victimization during legal proceedings.

22. **Ms. Ayoubi Idrissi** asked what measures had been adopted to ensure that child victims of domestic or sexual violence living in remote, rural areas could seek assistance and psychological support. She also wished to know whether counselling services were available in schools so that children could freely discuss their problems. Was training provided to professionals working with children so that they could identify signs of abuse or ill-treatment?

23. **Ms. Parsi** asked whether children could submit a complaint to the Ombudsman's Office without requiring the authorization or presence of an adult.

24. **Ms. Suárez Salazar** (Peru) said that the Government had taken steps to build a universal health system and had prioritized access to health care for vulnerable groups, such as children and young persons. National health-care expenditure had increased dramatically since the 1990s and currently stood at around 5 per cent of gross domestic product (GDP). Efforts had also been made to increase the number of persons covered under the national health insurance scheme in order to guarantee access to health care for the whole population. As to improving the health of children, close attention had been paid to reducing chronic child malnutrition and free health

checks had been offered to pupils in pre-primary and primary schools. Steps had also been taken to tackle the effects of environmental pollution caused by the mining industry, including through the introduction of a national health programme for persons affected by heavy metal poisoning. In regard to tuberculosis, the rate of the disease in children had decreased significantly in recent years, but more work would be required to reach an acceptable level. Concerning access to emergency oral contraceptives, the Government had requested the opinion of the Pan American Health Organization regarding the abortive effects of such drugs and would consider whether to make the morning-after pill available to young persons in the light of the answer they received.

25. In response to the question concerning therapeutic abortion, she said that a national guide on the procedure had been published in 2014. Abortion was permitted on therapeutic grounds up until the twenty-second week of pregnancy, subject to the patient's informed consent. Five workshops had been organized to familiarize health professionals with the standards set out in the guide. The biggest obstacle to gathering reliable statistics on the subject was that that type of operation was often recorded under a different name. That was probably the reason why only 15 therapeutic abortions had been reported for 2014. As for the decriminalization of abortion after rape, she explained that, under the Criminal Code, abortion was permitted solely for therapeutic reasons. A bill before Congress would, however, amend the Code. Another bill would allow young people access to health services without being accompanied by their parents.

26. In order to contend with violence, the Ministry of Health had devised a mental health plan financed from a results-based budget, which focused on vulnerable sections of the population. It made provision for preventive measures, as well as for the treatment and rehabilitation of persons suffering from a variety of mental disorders.

27. **Mr. Chavez Basagoitia** (Peru) said that under the Criminal Code no one under the age of 18 could be sentenced to imprisonment for gang membership. The Children and Adolescents Code provided for a series of alternative measures that were consistent with Peru's international obligations. His country had the highest standards for the protection of indigenous peoples. It had ratified the Indigenous and Tribal People's Convention, 1989 (No. 169), of the International Labour Organization and it was the only country which had a law requiring the consultation of those peoples on any administrative decision that might affect them. He inferred from the above-mentioned Convention and the United Nations Declaration on the Rights of Indigenous Peoples that the Government was permitted to take a decision if no agreement could be reached. Since, according to the Constitution, underground resources belonged to the entire nation and since some projects would benefit the vast majority of Peruvians, in some cases that decision could be a tremendously sensitive matter. The Government realized, however, that the main beneficiaries should be indigenous peoples.

28. In response to the question regarding the possibility of raising the administrative status of the General Directorate for Children and Adolescents, he explained that Peruvians disliked bureaucracy and were averse to the idea of creating another ministry. Moreover, experience had shown that the establishment of a new ministry did not necessarily lead to better results. The General Directorate's budget had risen from 13 million to 24 million nuevos soles between 2012 and 2015. Under a national strategy on trafficking, close cooperation had been established with four neighbouring countries. That cooperation mechanism would be extended to other countries.

29. **Mr. Cardona Llorens** asked whether indicators on inclusive education would be established as part of current educational reform efforts in order to improve the

literacy of children with disabilities, and to increase the number of children with disabilities who attended normal schools, so as to allow them access to the school nutrition programme. He wished to know what was being done to reduce infant mortality and to increase the percentage of children who were fully immunized against childhood diseases. Why was immunization coverage so low? He would appreciate information on policies to combat drug and substance abuse among young people. He also asked whether the channels of HIV/AIDS transmission had been analysed and whether the lack of sexual education was one of the causes of infection. He requested information on measures to eliminate malnutrition and anaemia among children.

30. He was curious to learn what measures had been adopted to guarantee the rights of innocent children who had been incarcerated with their parents in overcrowded prisons lacking adequate sanitation . He also asked what active policies and measures were in place to curb the extremely high level of child labour in Peru, which meant that 69 per cent of children were working. In addition, he requested information about measures to protect children's health from the adverse environmental effects of mining activities and to safeguard children from sexual abuse in mining companies.

31. Further to the concerns regarding the recent reform of the juvenile justice system, which the Committee had expressed in a letter to the President of Peru, he said that the Committee was very worried by the fact that many penalties had been increased and might be increased again in a few years' time and that a number of legal safeguards had been lost. The new legislation lacked a definition of "serious offence". It provided for measures on the grounds of the "extreme dangerousness" of the young person irrespective of the offence committed and for pretrial detention of up to 2 years. Since house arrest had become widespread and was adopted as a temporary measure, he was anxious to learn what happened to young offenders without a family. Were they placed in an institution?

32. **Ms. Parsi** asked how legislation to encourage breastfeeding was applied and whether special rooms were available for nursing mothers in all companies employing more than 20 women of childbearing age. She would be interested to learn if any campaigns were run to inform mothers about the numerous benefits of breastfeeding and what steps were taken to enforce legislation prohibiting the promotion and free distribution of breast-milk substitutes in public or private health centres. She requested information about measures to assist the 30,000 children with high levels of heavy metals in their blood. She also wished to know what specific programmes targeted population groups with the highest risk of teenage pregnancy. Did the law allow minors access to sexual and reproductive health services without being accompanied by their parents? She wondered whether there was any likelihood of article 4 of the General Health Act being amended. Since the plan to increase the use of contraceptives by minors by 50 per cent was currently directed only at girls who were already mothers, she was curious to know whether the Government intended to extend the plan to all teenagers. She asked why so many schoolchildren contemplated or attempted suicide and what results had been achieved by any programmes to address that problem.

33. She also requested information about the number of children in alternative care settings and wondered whether those settings were monitored and inspected in order to make sure that standards were respected. How many institutions were unlicensed? Were steps going to be taken to remedy that situation? She was anxious to find out what would be done to reverse the rising trend of placing children under 5 in such institutions. Similarly she would like to know what criteria were used to distinguish between the risk of abandonment and abandonment. What measures were being considered for strengthening the legal framework to ensure that the alternative care system complied with the Guidelines for the Alternative Care of Children? She asked

what was being done to avoid institutionalization by enhancing both biological and foster parents' ability to care for children. She would appreciate information on steps to strengthen the child protection system and on legislative measures establishing criteria for the duration of protective measures. In addition, she asked what programmes were being implemented to assist minors leaving institutional care to find work or continue their studies.

34. She wished to know how the Government intended to improve the implementation of the law on international adoptions and what changes in procedure would be introduced by the new law currently under consideration. Would it safeguard due process and distinguish clearly between the notions of abandonment and adoptability in order to forestall situations where children who had been declared abandoned were adopted or placed under protective measures? Lastly, she wondered why, despite economic growth in recent years, Peru was one of the countries in the region with the smallest education budget. What was being done to halt the decline in the quality of education? She also wished to know what steps were being taken to provide free, high-quality State education and to ensure that State schools did not demand any financial contribution from parents. What policies and programmes were being implemented to guarantee access to quality primary and secondary education, especially in rural areas, and to prevent secondary school girl pupils dropping out of school because they were pregnant?

35. **Ms. Oviedo Fierro** asked what legislative measures were planned in order to prevent children attending or taking part in bullfights. She wished to know whether the Government was prepared to abolish the statute of limitations in order that victims of sexual abuse committed in the past by leaders of the Sodalicio group and Catholic priests could obtain justice and compensation.

The meeting rose at 6.05 p.m.